

Proposed Amendment of City Code:

Sit-Lie Ordinance

Town Hall
October 6, 2015

What's the problem we're trying to solve?

- ▶ A large and growing number of people are sitting/lying down on the public right-of-way (i.e. sidewalks, alleys) in City commercial districts
- ▶ Council and Mayor receive complaints that the conduct deters people from working, visiting and shopping in the commercial districts

Objective: Restore order to the rights-of-way in commercial districts to promote public safety and economic vitality

▶ Safety

- Conduct impedes traffic flow
- Unsafe both for person sitting/lying down and the person using the right-of-way

▶ Economic Vitality

- Conduct creates a sense of disorder, deterring people from visiting downtown and Old Colorado City
- Prohibiting the conduct makes commercial districts more hospitable to visitors and residents

Existing Ordinance – “Obstructing Passage or Assembly”

▶ Prohibits:

- intentional obstruction of right-of-way or entryway or
- lying down or sleeping on streets/sidewalks in Downtown area “so as to interfere with the immediate, free and uninterrupted use” of right-of-way or entryway

▶ Limitations:

- Must prove **intent** to obstruct or
- Must prove **interference** with “immediate, free and uninterrupted use”
- No prohibition on **sitting** in ROW/entryway
- No prohibition on sitting, lying down in **Old Colorado City**

Existing Ordinance – “Loitering”

- ▶ Prohibits: loitering “so as to warrant alarm for the safety of persons or property in the vicinity.”
- ▶ Evidence: Person
 - Flees upon appearance of police officer
 - Refuses to provide identification
 - Conceals him/herself or any object
 - Systematically checks access to building/vehicle
 - Stays close to a place with high probability of criminal activity
- ▶ Limitations: Requires more than merely lingering in a public place; requires conduct that warrants alarm

Proposed Ordinance – Sitting and Lying Down In Commercial Districts

Would prohibit: sitting, kneeling, reclining, and lying down on the surface of any public right of way (i.e. sidewalks, curbs, alleys, streets, trails, medians, etc.)

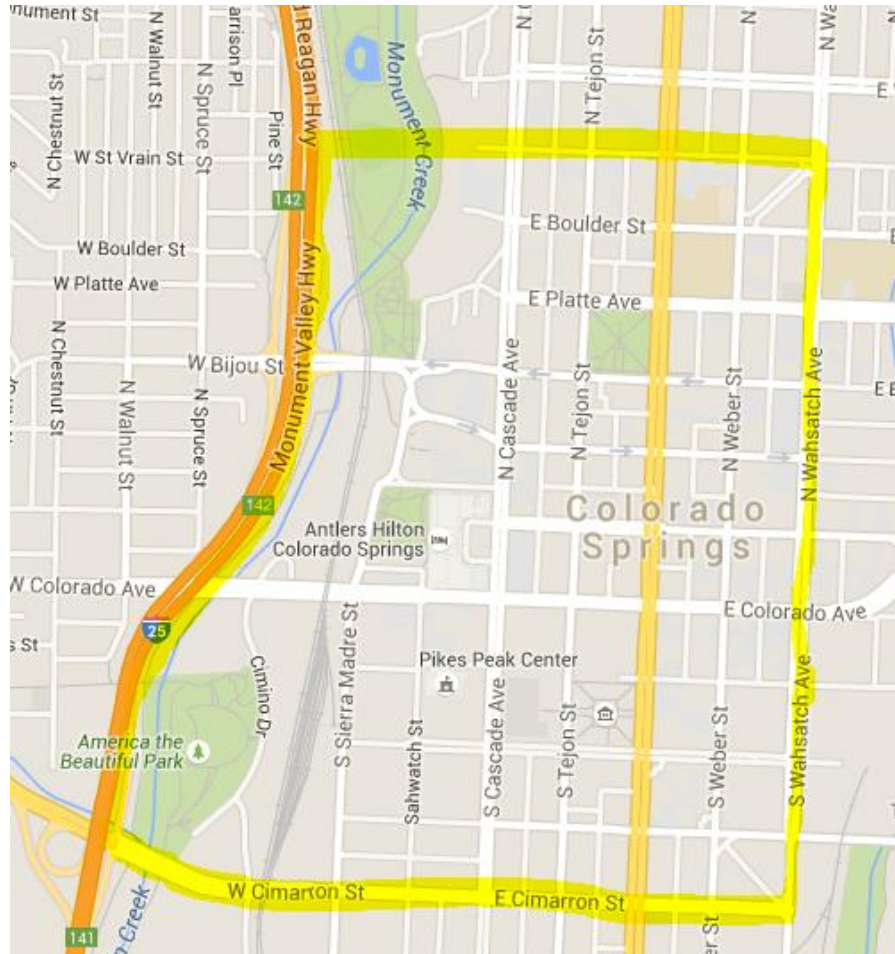
Where: In the Downtown and Old Colorado City Commercial Districts

When: 7am–10pm daily
10pm–3am Friday and Saturday nights

Downtown Commercial District

St. Vrain Street – north

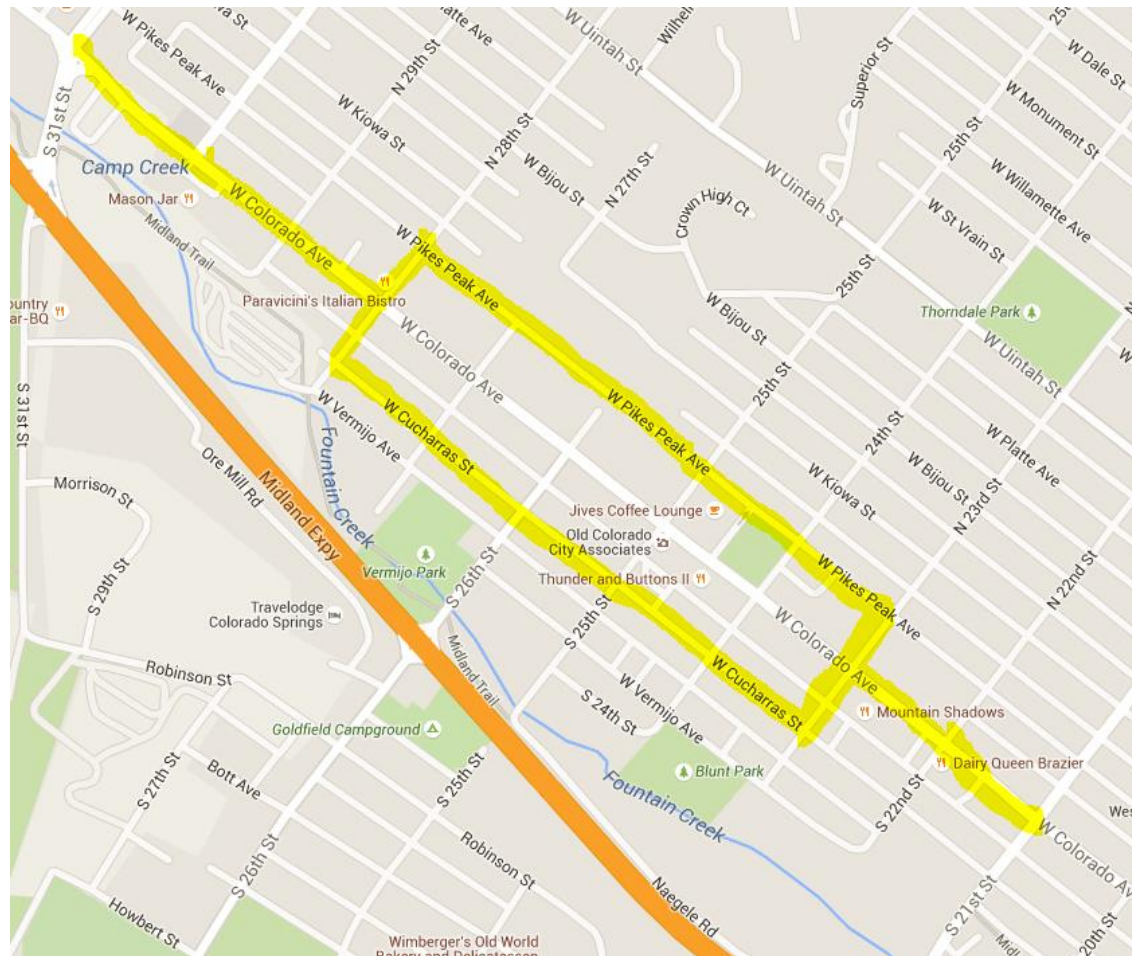
I-25 – west



Wahsatch Ave. – east

Cimarron Street – south

Old Colorado City Commercial District



Colorado Ave. between 21st and 31st Streets and
Pikes Peak to Cucharras between 23rd and 28th St.

When would it be enforced?

- ▶ 7am – 10pm every day
 - When most people (residents, business owners, workers, tourists, shoppers, diners) travel in the commercial districts
- ▶ Until 3am on Friday and Saturday nights
 - Bars close at 2am
 - People out at those hours are particularly vulnerable due to alcohol consumption and darkness

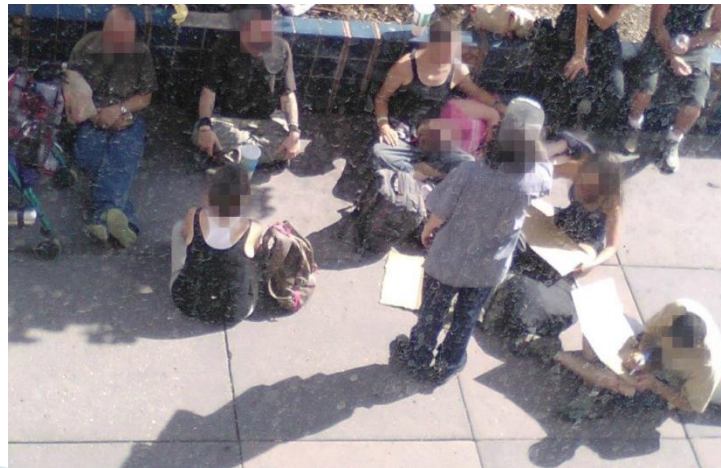
Defenses – some people would still be allowed to sit or lie down:

- ▶ People having a medical emergency
- ▶ Those who are disabled and require a wheelchair or walker
- ▶ Sidewalk cafés, or other commercial establishment in the right-of-way
- ▶ Permitted parades or special events
- ▶ Bus stops
- ▶ Sitting on above-ground objects (benches, planter walls, seat walls, vault vents, etc.)

Sit on above-ground objects:



Don't sit/kneel/recline/lie on areas used for travel:



Enforcement

- ▶ 60–day educational grace period
- ▶ Warning before citation
- ▶ Will not use public safety cameras

Penalty (change from original draft)

- ▶ 1st offense: maximum \$500 fine; no jail
- ▶ 2nd or subsequent offense: also may incur jail time, probation, or community service